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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 61/125 of 14 December 2006, summarizes the reports that have been submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara from 1 July 2006 to 30 June 2007.

1. On 14 December 2006, the General Assembly adopted resolution 61/125 on the question of Western Sahara by a recorded vote of 70 to none with 91 abstentions. The Secretary-General, in close cooperation with the Chairperson of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, which covers the period from 1 July 2006 to 30 June 2007, is submitted in accordance with paragraph 10 of resolution 61/125.

2. Pursuant to Security Council resolution 1675 (2006), the Secretary-General submitted on 16 October 2006 a report to the Security Council (S/2006/817) in which he stated that, during his various meetings in the region, from 4 to 11 September, and in New York, his Personal Envoy for Western Sahara, Mr. Peter van Walsum, had listened to the parties' concerns and positions on the way out of the current impasse, and reiterated his recommendation for negotiations without preconditions between Morocco and the Frente Polisario.

3. With regard to military activities, the Secretary-General informed the Security Council that the United Nations Mission for the Referendum in Western Sahara (MINURSO) continued to enjoy good relations with both the Royal Moroccan Army

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and the Frente Polisario armed forces, although the parties continued to abstain from dealing directly with each other. On 1 June 2006, MINURSO had started to record restrictions on freedom of movement for military observers as violations of military agreement No. 1, and from 1 June to 5 October 2006, 539 such violations had been recorded on the side of the Royal Moroccan Army and 86 on the Frente Polisario side. The Mission had organized mine-awareness activities in the form of mine-risk education in the refugee camps of Tindouf.

4. With regard to confidence-building measures, the Secretary-General stated that the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area in Algeria, which is led by the Office of the High Commissioner for Refugees (UNHCR), had been resumed on 25 November 2005 after an 11-month hiatus. However, it had been suspended again late in May 2006 owing to difficulties related to flight schedules. The telephone service between the Tindouf camps and the Territory continued to operate successfully, and UNHCR remained ready to implement the postal service in accordance with the modalities initially proposed or under any terms that would meet the approval of all concerned.

5. In his recommendations and conclusions, the Secretary-General stated that, based on the assessment of his Personal Envoy's activities, he would like to recommend that the Security Council call on the two parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, would also be invited to those negotiations and consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of the previous Personal Envoy, James A. Baker III.

6. Concluding the report, the Secretary-General expressed his appreciation to his Special Representative, Francesco Bastagli, for serving with great dedication until the end of September 2006.

7. On 31 October, the Security Council adopted resolution 1720 (2006), by which it extended the mandate of MINURSO until 30 April 2007. The Council also reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy; reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution; and reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire.

8. In a letter dated 31 January 2007 (S/2007/55), the Secretary-General informed the President of the Security Council of his intention to appoint Julian Harston of the United Kingdom of Great Britain and Northern Ireland, as his Special Representative for Western Sahara.

9. On 13 April 2007, the Secretary-General submitted to the Security Council the report (S/2007/202) the Council had requested in its resolution 1720 (2006), in which he informed the Council that on 10 April he had received a letter from the Representative of the Frente Polisario in New York transmitting a "Proposal of the Frente Polisario for a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara"; and that on 11 April, he had

met with the Permanent Representative of Morocco to the United Nations who had given him a letter, dated 10 April 2007, transmitting a document entitled "Moroccan initiative for negotiating an autonomy statute for the Sahara region", containing the initiative by King Mohamed VI of Morocco regarding the autonomy proposal.

10. Regarding consultations held by his Personal Envoy, the Secretary-General noted that he had underlined, once again, that the negotiations between Morocco and the Frente Polisario, recommended in the report of the Secretary-General of 16 October 2006 (S/2006/817), would have the objective of achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

11. As for military matters, the Secretary-General informed the Council that the overall situation in the area of responsibility had remained generally calm. Violations of military agreement No. 1 by both parties had remained at the same level as in the previous reporting period. From 6 October 2006 to 31 March 2007, MINURSO had observed and recorded eight new violations by the Royal Moroccan Army and seven new violations by the military forces of the Frente Polisario. In addition, MINURSO had continued to observe long-standing violations by both parties; as explained in his previous report to the Council (S/2006/817), since the start of the Mission's mandate, both parties had imposed restrictions on the freedom of movement of MINURSO military observers.

12. With regard to military agreements Nos. 2 and 3, both parties had continued to extend cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance and expired ammunition. In an effort to respond to that threat, on 15 January 2007, the Royal Moroccan Army, deploying considerable resources, had begun a comprehensive mine-clearing operation in Western Sahara from the Atlantic coast to the berm.

13. With regard to refugees, in January 2007, UNHCR and the World Food Programme had sent a joint assessment mission to Tindouf to verify the food requirements of the Saharan refugees for the following two years. The Mission recommended that the refugees should continue to receive emergency food assistance. Pending a registration of refugees, the caseload would be established at 90,000 beneficiaries. In line with the recommendation of the Mission, 35,000 supplementary rations would also be distributed to women of childbearing age, malnourished children under 5 years of age and schoolchildren, in order to address serious problems of chronic malnutrition and anaemia among those particularly vulnerable sectors of the camps' populations.

14. Turning to the issue of confidence-building measures, the Secretary-General reported that on 3 November 2006, after a six-month hiatus, UNHCR and MINURSO had been able to resume the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area. In addition, the four free telephone centres connecting the Tindouf refugee camps and the Territory had continued to operate successfully.

15. With regard to human rights, the Secretary-General informed the Security Council that during the period under review, demonstrations by Saharans calling for respect for human rights and the right to self-determination had been reported to have continued in the Territory. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had continued to follow the human

rights situation in Western Sahara and the Tindouf camps and remained committed to ensuring that the rights of the people of Western Sahara were fully protected.

16. Concluding the report, the Secretary-General reiterated his recommendation that the Security Council call upon the parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to the negotiations and be consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of his previous Personal Envoy, James A. Baker, III.

17. Related to the human dimension of the conflict, the Secretary-General stated that he was pleased that the exchange of family visits between the Territory and the refugee camps in the Tindouf area had resumed. Building on the success of those visits, he was encouraged by recent indications that the parties concerned had been exploring the possibility of increasing the number of beneficiaries of the programme.

18. The Secretary-General further repeated the call made by his predecessor (see S/2006/817) for the parties to remain engaged in continuous and constructive dialogue with OHCHR with a view to ensuring respect for the human rights of the people of Western Sahara. He also reiterated that, although MINURSO did not have the mandate or resources to address the issue, the United Nations remained committed to upholding international human rights standards.

19. On 30 April 2007, the Security Council adopted resolution 1754 (2007), by which it extended the mandate of MINURSO until 31 October 2007. The Council also reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations; and, noting the role and responsibilities of the parties in that respect, reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution; took note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcomed serious and credible Moroccan efforts to move the process forward towards resolution; and also took note of the Polisario Front proposal presented on 10 April 2007 to the Secretary-General. The Council also called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara; requested the Secretary-General to set up those negotiations under his auspices and invited Member States to lend appropriate assistance to such talks; and requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of those negotiations under his auspices.

20. On 29 June 2007, the Secretary-General submitted his report (S/2007/385), which the Security Council had requested in its resolution 1754 (2007), and informed the Council that in a letter, dated 25 May 2007, he had invited the parties to send delegations to meet with his Personal Envoy at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007. In his letter, it had been specified

that the discussions would be private. In similar letters, he had invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries. The Secretary-General further informed the Council that the meeting had taken place as planned. The parties had held separate meetings with his Personal Envoy, as well as two sessions of face-to-face discussions, for the first time since direct talks had been held in London and Berlin, in 2000. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the two-day meeting. During the discussions, the parties had reiterated their commitment to the process and had appeared determined not to be the cause of a breakdown of the negotiations. Although they had both confirmed their respect for the principle of self-determination and accepted Security Council resolution 1754 (2007) as the mandate for the negotiations, their positions had remained far apart on the definition of self-determination.

21. During the meeting, the parties had agreed to the communiqué of his Personal Envoy, stating that:

> In accordance with Security Council resolution 1754 (2007) of 30 April 2007 on Western Sahara, the Secretary-General arranged for Morocco and the Frente Polisario to enter into negotiations, without preconditions, in good faith, taking into account the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. Under the Secretary-General's auspices, the meeting was held at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007, with the participation of the parties, Morocco and the Frente Polisario. Representatives of the neighbouring countries, Algeria and Mauritania, were also present at the opening and closing sessions and were consulted separately. During the meeting, negotiations started as requested by Security Council resolution 1754 (2007). The parties have agreed that the process of negotiations will continue in Manhasset in the second week of August 2007.